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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,184	10/23/2000	Henri Jacques Suermondt	10990497-1	2827

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EXAMINER

CAO, CHUN

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,184

Applicant(s)

SUERMONDT ET AL.

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3-11 and 13-20 are presented for examination.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 11 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It merely manipulates abstract idea without any limitation to a practical application. The claim language is not in computer technological art.

Claims 3-10 and 13-20 are rejected because they incorporate the deficiencies of claim 1 or claim 11 accordingly.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiya et al. (Sekiya), U.S. Patent No. 6,484,128 in view of Donohue (Donohue), US patent no. 6,202,207.

Sekiya is a prior art reference cited in prior office action.

As per claim 1, Sekiya teaches a method for determining a predicted health of a set of components of a system that would result from an application of a proposed intervention to an existing system [col. 3, lines 16-20], comprising the steps of:

determining a set of modifications [replacing a hardware module] involved in the proposed intervention, each modification involving one or more the components of the existing system [col. 4, line 65-col. 5, line 3];

for each modification, obtaining a set of component information that pertains to the modification from a knowledge base [10f, fig. 2], each set of component information specifying a set of interdependencies among the components involved in the modification [figs. 4, 11; col. 5, lines 29-32; col. 8, lines 39-42];

for each modification, determining whether the inter-dependencies specified in the component information are satisfied [col. 10, lines 1-8].

Sekiya does not teach that the inter-dependencies include a set of prerequisite components for one or more of the components.

Donohue teaches that the inter-dependencies include a set of prerequisite components for one or more of the components [col. 4, lines 11-19; col. 11, lines 46-53].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Sekiya and Donohue because the specify teachings of Donohue stated above would have improved the reliability and compatibility of the Sekiya system by determining a set of prerequisite components.

As to claims 3 and 4, Donohue teaches the inter-dependencies include a prerequisite configuration and a prerequisite set of parameters for one or more of the prerequisite component [col. 4, lines 11-19; col. 11, lines 46-53; col. 13, lines 24-67; col. 22, lines 39-44].

As per claim 5, Sekiya teaches the inter-dependencies include one or more conflicting components for one or more of the components [col. 5, lines 1-3, 29-33].

As per claim 6, Sekiya teaches the inter-dependencies include a conflicting configuration for one or more of the conflicting components [col. 5, lines 1-15, 22-33].

As per claim 7, Sekiya teaches the inter-dependencies include a conflicting set of parameters [property data] for one or more of the conflicting components [col. 5, lines 1-15, 22-33].

As per claim 8, Sekiya teaches of determining one or more changes to the proposed intervention in response to the predicted health [compatibility between modules][col. 10, lines 1-8].

As per claim 9, Sekiya teaches of generating a predicted health indicator [fig. 18, col. 9, line 66-col. 10, line 3].

As per claim 10, Sekiya teaches of determining an indication of uncertainty associated with the predicted system health [col. 10, lines 9-16].

As per claims 11 and 13-20, Sekiya and Donohue together teach the claimed method of steps of claims 1 and 3-10. Therefore, Sekiya and Donohue together teach the claimed apparatus for carrying out the method of steps.

6. Applicant's argument with respect to claims 1, 3-11 and 13-20 have been considered but is moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zimniewicz et al., US patent no. 6,618,857, teaches a method for installing a software suite with multiple components on a computer system by allowing a setup program to query the component to determine whether the component is required as a prerequisite to installation of the suite [col. 2, lines 6-28].

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can

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be reached at (703) 305-9717. The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chun Cao

Apr. 15, 2004